

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DAVID DAVILA,

Defendant.

21-CR-547-RA

ORDER

RONNIE ABRAMS, United States District Judge:

On September 15, 2022, Defendant David Davila was sentenced principally to a term of imprisonment of 37 months following his guilty plea to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). At sentencing, the Court calculated Mr. Davila's sentencing guidelines range to consist of 37 to 46 months' imprisonment, based on an offense level of 17 and a criminal history category of IV. The Bureau of Prisons currently projects that Mr. Davila will be released from prison on August 13, 2024.

By way of Amendment 821, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual, effective November 1, 2023. As relevant here, Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. The Sentencing Commission made these amendments retroactive. Defendants whose motions for a sentence reduction are granted by the courts can be released from prison no earlier than February 1, 2024.

Before the Court is Mr. Davila's motion for reduction in his sentence. Dkt. No. 42. The Probation Department has issued a report indicating that he is indeed eligible for such reduction. Based on a criminal history category of III, Mr. Davila's amended guidelines range is now 30 to 37 months.

Pursuant to the standing order of the Chief Judge of this District, the Federal Defenders of New York have been appointed to represent Mr. Davila in this Court's consideration of whether his sentence should be modified in light of Amendment 821.

IT IS ORDERED that no later than January 12, 2024, the Government shall advise the Court of its position on the motion for modification of Mr. Davila's sentence.

IT IS FURTHER ORDERED that Mr. Davila shall file his response, if any, no later than January 19, 2024.

The Court's intention, unless a request is made to the contrary, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

Dated: New York, New York
January 5, 2024

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Hon. Ronnie Abrams
United States District Judge

cc: Jennifer Brown, Esq., Federal Defenders of New York